

Attorney Docket No.: 61352-128
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer No. 53080
Naohide WAKITA : Confirmation No.: 1745
Application No.: 10/577,643 : Group Art Unit: 2874
Filed: May 1, 2006 : Examiner: JERRY T. RAHLL
For: CONDUCTIVE THIN FILM AND THIN FILM TRANSISTOR

ELECTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed October 1, 2009, having a shortened statutory period for response set to expire November 1, 2009, wherein the Examiner required restriction between the following distinct Species:

Species I: Claims 61 and 80, and the claims dependent thereon, which describe the use of nanotubes;

Species II: Claims 66, 75, 85, and 94, and the claims dependent thereon, which do not describe the use of nanotubes.

Applicant elects Species II, with claims 66-79, 85-98, 100, 101, 103, 104, 106, 107, 109 and 110 readable thereon, for initial prosecution on the merits. Applicant also reserves the right to file a Divisional Application for the non-elected claims which the Examiner has indicated are patentably distinct.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition for extension of time.

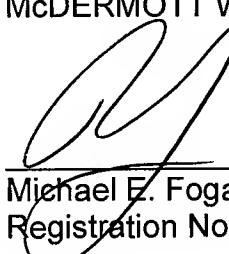
The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0417.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: 10/3/09

By:


Michael E. Fogarty
Registration No.: 36,139

600 13th Street, N.W., Suite 1200
Washington, D.C. 20005-3096
Telephone: 202 756 8000
Facsimile: 202 756 8087

WDC99 1788066-1.061352.0128